

OLL-86-0266  
29 January 1986

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MEMORANDUM FOR:

[redacted]  
Chief, Computer Security Group, OIT

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[redacted]  
Deputy Director of Security  
Policy and Management

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FROM:

[redacted]  
Legislation Division  
Office of Legislative Liaison

SUBJECT: Computer Security Legislation

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REFERENCE:

1. Memo from [redacted] to DD/OIT, same subject, dated 5 December 1985
2. Memo from [redacted] to undersigned, same subject, dated 27 December 1985.

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1. This memo is in response to your referenced memos regarding H.R. 2889, the Computer Security Research and Training Act of 1985. In your memos, concern was expressed that sections 5 and 6 of the bill could adversely impact on the Agency. Section 5 of the bill provides that the National Bureau of Standards shall set standards for training of federal employees in computer security. Section 6 of the bill provides that each federal agency shall identify those computer systems that store unclassified but sensitive information and then develop a plan to protect these computers. A copy of the plan must be provided to the National Bureau of Standards (NBS) and the National Security Agency (NSA).

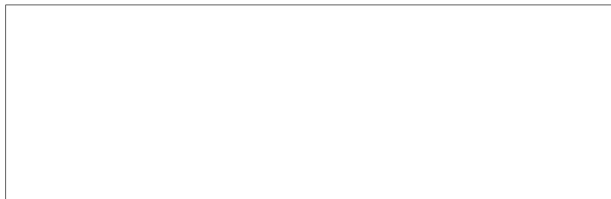
2. With respect to section 5 of the Act, you indicated that the provision was not objectionable so long as the standards set by NBS for training personnel in computer security were minimum standards. This interpretation of section 5 of the Act would permit the Agency to continue its own strict program of computer security, which would probably exceed the standards set by NBS. To ensure that our interpretation of section 5 of the Act is adopted by Congress, we could seek to develop legislative history to this section which states that NBS regulations are only the minimum required for training personnel in computer security and that federal agencies would be free to exceed those standards.

3. With respect to section 6 of the Act, you indicated that this provision was objectionable because the Agency had a variety of computers that stored unclassified but sensitive information, and that having to submit a security plan to NSA and NBS would be burdensome and delay the institution of new security measures while the plan is being studied by NBS. In addition, you expressed concern that there was no provision for limiting the distribution of the Agency's plan to protect computers against penetration and this could lead to the compromise of our security system. You stated that the bill should be amended to provide that only sensitive, non-national security related information be covered. These concerns were addressed in the mark-up of the bill on 15 November 1985 by the subcommittee on Transportation, Aviation and Materials of the House Science and Technology Committee. In the mark-up, the subcommittee amended the provision so as to make it applicable to computers subject to §111 of the Federal Property and Administrative Services Act or chapter 35 of title 44, United States Code. Since the Agency is exempt from both the Federal Property Act and chapter 35 of title 44, United States Code, this provision would no longer impact on the Agency. A copy of the revised bill is attached for your information.

4. Exempting the the Agency from section 6 of the bill means that the Agency is now exempt from almost the entire bill. I, therefore, believe it would not be productive for the Agency to continue to seek a general exemption since our concerns have been addressed. We could, however, send a letter to Congressman Dave McCurdy, who is a Member on the House Permanent Select Committee on Intelligence (HPSCI) and the Science and Technology Committee. The letter would state that the Administration is opposed to enactment of this bill, but that if the House decides to move forward on this legislation despite Administration opposition to the bill, the Agency would want legislative history to section 5 of the bill stating that federal agencies would be permitted to exceed the training standards set by NBS. In addition, the letter could urge Congressman McCurdy to support the position taken by the Science and Technology Subcommittee exempting unclassified computer systems of the Agency. I have attached a draft letter to Congressman McCurdy for your review. The letter would have to be cleared with the Office of Management and Budget (OMB). We could also contact the staff of the Science and Technology Committee and raise our concerns orally. My recommendation is to clear the letter with OMB, but to hold off sending it if it appears that our concerns can be resolved through staff contact.

5. I would appreciate your comments on the draft letter no later than 3 February 1985. Thank you for your cooperation and continued interest in this matter.

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Attachments as  
stated

Distribution:

Original - Addressees (w/atts)

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1 - OGC [redacted] (w/atts)

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✓ - Leg/Sub - Computer Fraud (w/atts)

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1 - DMP Signer

LEG/OLL: [redacted] pap (29 Jan 1986)